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TOWNSHIP OF NUTLEY, NEW JERSEY  
BOARD OF COMMISSIONERS

ORIGINAL

PUBLIC MEETING )  
TRANSCRIPT OF )  
PROCEEDINGS: )  
)

April 22, 2010

7:04 p.m.

BEFORE:

- Mayor Cocchiola
- Commissioner Evans
- Commissioner Petracco
- Commissioner Scarpelli
- Commissioner Tucci
  
- Township Clerk Rosario

Job No. NJ258338

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TOWNSHIP OF NUTLEY, NEW JERSEY  
BOARD OF COMMISSIONERS

**Certified  
Transcript**

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BEFORE:

- Mayor Cocchiola
- Commissioner Evans
- Commissioner Petracco
- Commissioner Scarpelli
- Commissioner Tucci
  
- Township Clerk Rosario

Job No. NJ258338

1 MADAM CLERK: Mayor, are we ready?

2 MAYOR COCCHIOLA: Yes, Madam Clerk.

3 MADAM CLERK: Thursday, April 22nd,  
4 2010. Pursuant to the requirements of  
5 the Open Public Meeting Law, Chapter 231,  
6 Public Laws, 1975, notice of this meeting  
7 was published in the December 10, 2009  
8 issues of the Nutley Sun, the Journal,  
9 the Star Ledger and the Herald News. A  
10 copy of this notice has been posted on  
11 the Nutley Town Hall bulletin board and a  
12 copy is on file in the municipal clerk's  
13 office. Commissioner Scarpelli?

14 COMMISSIONER SCARPELLI: Here.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Here.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Here.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Here.

21 MADAM CLERK: Mayor Cocchiola?

22 MAYOR COCCHIOLA: Here.

23 MADAM CLERK: All present, Mayor.

24 MAYOR COCCHIOLA: Thank you.

25 Commissioner Scarpelli, what do you have

1 this evening?

2 COMMISSIONER SCARPELLI: I have an  
3 introduction of an ordinance for the  
4 construction and paving of Passaic Avenue  
5 through a Department of Transportation  
6 grant. Also, have a resolution  
7 authorized to go out for bid on that same  
8 project. And I have the removal of  
9 interest on a water bill. That's all I  
10 have, Mayor.

11 COMMISSIONER TUCCI: What section  
12 are we doing, Joe, on Passaic?

13 COMMISSIONER SCARPELLI: We're doing  
14 from Park Avenue to the Belleville line.

15 MAYOR COCCHIOLA: Oh, going that  
16 way. Commissioner Evans?

17 COMMISSIONER TUCCI: Thank you.

18 COMMISSIONER EVANS: I have a --  
19 just three resolutions: overpayment of  
20 property taxes, refund of property taxes  
21 and I also have an amendment to the  
22 capital budget that we introduced to  
23 recognize the addition of the 341,000  
24 dollar grant money -- 342,000 dollars in  
25 grant money. That's it.

1           MAYOR COCCHIOLA: Commissioner  
2           Tucci?

3           COMMISSIONER TUCCI: I have four  
4           resolutions: One, rejecting RFPs from  
5           Township Forester. They were all over  
6           budget; actually we only had one, and it  
7           was over budget. I have a resolution  
8           honoring and congratulating Luther Olney  
9           at his retirement after thirty-seven  
10          years --

11          COMMISSIONER EVANS: Wow.

12          COMMISSIONER TUCCI: -- with the  
13          Township.

14          MAYOR COCCHIOLA: Is he here?

15          COMMISSIONER TUCCI: He's here.  
16          He's in the back.

17          MAYOR COCCHIOLA: So, I'll move that  
18          up.

19          COMMISSIONER TUCCI: Yup. I have a  
20          resolution authorizing membership to the  
21          New Jersey Sustainable Energy Meeting,  
22          which is similar to a JIF, only in the  
23          energy, electricity, natural gas and  
24          whatever else comes along. And I have an  
25          authorization for a bid advertisement for

1 recreation uniforms and equipment.

2 That's it.

3 MAYOR COCCHIOLA: Thank you.

4 Commissioner Petracco, you have nothing?

5 COMMISSIONER PETRACCO: I don't have  
6 anything on the agenda, Mayor, but I will  
7 need an Executive Session to discuss  
8 contract negotiations.

9 MAYOR COCCHIOLA: Got it. We'll do  
10 that at the end. I have an ordinance for  
11 introduction, and what it does is, it's  
12 already been reviewed by the Planning  
13 Board. The Residential Development Fee  
14 Ordinance -- this will exempt any  
15 homeowner who's doing any alterations  
16 that exist, the footprint less than  
17 fifty-feet. So, smaller alterations,  
18 dormers and things like that, will not be  
19 subject to any residential development  
20 fee. And that's what it does; it exempts  
21 that.

22 And I have four resolutions: one,  
23 authorizing an escrow refund for  
24 somebody, DeCepoli; waiver of permit fees  
25 for the Red Cross for some work that's

1 being done on a CDBG project; resolution  
2 recognizing National Infant Immunization  
3 Week; and, a raffle license for Lincoln  
4 School. And that's all I have.  
5 Anything, Mr. Harkins?

6 MR. HARKINS: Mayor, I have one  
7 housekeeping item. I understand, at the  
8 last meeting, I wasn't present, but I  
9 understand that Commissioner Scarpelli  
10 introduced a resolution, 100-10, having  
11 to do with hiring AXA to administer a  
12 deferred compensation plan.

13 And I spoke to Mr. Genitempo, who  
14 was present, and my understanding was  
15 that both Commissioner Scarpelli and  
16 Commissioner Petracco voted yes; you were  
17 not present. Commissioner Evans  
18 abstained because of a conflict through  
19 work, and Commissioner Tucci abstained.  
20 Given that scenario, it was passed three-  
21 nothing. The abstention, where there was  
22 no conflict indicated, counts towards the  
23 quorum and is an affirmative vote.

24 There was also within the body of  
25 the resolution, a reference to the

1 Commissioner of Revenue and Finance  
2 reviewing the proposals and being  
3 designated as Local Plan Administrator,  
4 that's not the case. The CFO Auditor and  
5 Tax Assessor reviewed the proposals, and  
6 the CFO is going to be the Plan  
7 Administrator. And, I just want the  
8 record to reflect that, and I'll give  
9 the --

10 MAYOR COCCHIOLA: Okay.

11 MR. HARKINS: -- clerk an amended  
12 resolution that's passed.

13 MAYOR COCCHIOLA: (indiscernible)  
14 ready?

15 MR. HARKINS: Are we okay with that?

16 IN UNISON: Yeah.

17 MAYOR COCCHIOLA: Thanks.

18 (Off the record from 7:09 p.m.-7:11 p.m.)

19 (Audio occasionally fades out and words  
20 are indiscernible, 7:11 p.m.-7:29 p.m.)

21 MAYOR COCCHIOLA: Could everyone  
22 please stand for the flag salute?

23 (Pledge of Allegiance declared.)

24 MAYOR COCCHIOLA: Madam Clerk, for  
25 the benefit of anyone who is not in

1 (indiscernible), could you please reread  
2 the Sunshine Notice?

3 MADAM CLERK: Yes, Mayor. Thursday,  
4 April 22nd, 2010. Pursuant to the  
5 requirements of the Open Public Meeting  
6 Law, Chapter 231, Public Laws, 1975,  
7 notice of this meeting was published in  
8 the December 10, 2009 issues of the  
9 Nutley Sun, the Journal, the Star Ledger  
10 and the Herald News. A copy of this  
11 notice has been posted on the Nutley Town  
12 Hall bulletin board and a copy is on file  
13 in the municipal clerk's office.

14 Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Here.

16 MADAM CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Here.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Here.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Here.

22 MADAM CLERK: Mayor Cocchiola?

23 MAYOR COCCHIOLA: Here.

24 MADAM CLERK: All present, Mayor.

25 MAYOR COCCHIOLA: Thank you.

1           We have no minutes this evening. We  
2           have no Communications or Correspondence  
3           this evening. We have no reports this  
4           evening. I'm feeling lonely up here.  
5           Commissioner Tucci, I think we're going  
6           to take your one item out of order.

7           COMMISSIONER TUCCI: Thank you,  
8           Mayor. This is a resolution for one of  
9           our finest employees, who, after thirty-  
10          seven years, has decided to retire and  
11          spend more time with his family, and in  
12          particular, his grandchildren.

13          Whereas, Luther Olney is a lifelong  
14          resident of Nutley and a Nutley High  
15          School Graduate. And, whereas, Luther  
16          and his wife, Jean, have been married for  
17          thirty-six years, and have two children,  
18          Steven and Andrea, a son-in-law, Mike,  
19          and a grandson, Luca. And, whereas,  
20          Luther Olney has worked for the Township  
21          of Nutley in the Department of Parks,  
22          Recreation and Public Property since  
23          1973, starting as a Building Maintenance  
24          Worker, and working his way up to  
25          Equipment Operator in the Shade Tree

1 Department, and has also served as Shop  
2 Steward since 2001. And, whereas, on  
3 April 30, 2010, Luther Olney will be  
4 retiring after thirty-seven years of  
5 dedicated service with the Township of  
6 Nutley.

7 Now, therefore, be it resolved, that  
8 the Board of Commissioners, of the  
9 Township of Nutley, in County of Essex,  
10 join with the Citizens of Nutley, to  
11 honor and congratulate Luther Olney on  
12 his retirement. I (indiscernible).

13 (Applause.)

14 I move the resolution.

15 COMMISSIONER EVANS: Second.

16 MADAM CLERK: Commissioner  
17 Scarpelli?

18 COMMISSIONER SCARPELLI: Aye.

19 MADAM CLERK: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Mayor Cocchiola?

1 MAYOR COCCHIOLA: Aye.

2 COMMISSIONER TUCCI: Luther, would  
3 you, please, come up?

4 MAYOR COCCHIOLA: You want to come  
5 up?

6 (Pause in audio with occasional  
7 background chatter)

8 MAYOR COCCHIOLA: Okay, we will move  
9 on to payment of bills. Is this working?

10 UNIDENTIFIED COMMISSIONER: No.  
11 Hello?

12 MAYOR COCCHIOLA: I don't know if  
13 the mikes are working.

14 UNIDENTIFIED COMMISSIONER: Testing,  
15 hello.

16 MAYOR COCCHIOLA: Testing.

17 UNIDENTIFIED COMMISSIONER: Hello,  
18 hello. Yours, Mayor.

19 MAYOR COCCHIOLA: Mine is not  
20 working.

21 UNIDENTIFIED COMMISSIONER: In or  
22 out?

23 MAYOR COCCHIOLA: We'll move on to  
24 payment of bills.

25 MADAM CLERK: Okay, Mayor, thank

1 you. Thursday, April 22nd, 2010:  
2 Public Affairs \$173,754.33,  
3 Revenue & Finance \$2,890,071.15,  
4 Public Safety \$35,773.56,  
5 Public Works \$55,794.50,  
6 Parks & Public Property \$544,638.43,  
7 Payroll as of April 16th, 2010,  
8 \$710,532.21,  
9 for a grand total bill list of  
10 \$4,410,564.18.

11 And that's all for bills, Mayor.

12 UNIDENTIFIED COMMISSIONER: --  
13 bills.

14 UNIDENTIFIED COMMISSIONER: Second.

15 MADAM CLERK: Commissioner  
16 Scarpelli?

17 COMMISSIONER SCARPELLI: Aye.

18 MADAM CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Mayor Cocchiola?

25 MAYOR COCCHIOLA: Aye.

1 MADAM CLERK: Thank you, Mayor.

2 MAYOR COCCHIOLA: Do they work?  
3 Working? Okay. Commissioner Scarpelli,  
4 you have an ordinance for introduction  
5 this evening?

6 COMMISSIONER SCARPELLI: Thank you,  
7 Mayor. This is Ordinance number 3139,  
8 which is the reconstruction of Passaic  
9 Avenue from Park Avenue to the Belleville  
10 line:

11 AN ORDINANCE PROVIDING FOR THE  
12 RECONSTRUCTION OF THE ROADWAY ON PASSAIC  
13 AVENUE (SECTION 4) IN THE TOWNSHIP OF  
14 NUTLEY, IN THE COUNTY OF ESSEX, NEW  
15 JERSEY, APPROPRIATING 342,100 DOLLARS,  
16 THEREFORE, FROM GRANT MONIES RECEIVED  
17 FROM THE NEW JERSEY DEPARTMENT OF  
18 TRANSPORTATION FOR THE COST THEROF.

19 I move this ordinance be passed to a  
20 second reading, advertised in the Nutley  
21 Sun together with the notice required by  
22 law, and that further consideration of  
23 said ordinance for final passage by the  
24 Board of Commissioners be held on the  
25 second reading on May 18th, 2010. I move

1 the ordinance.

2 COMMISSIONER PETRACCO: Second.

3 MADAM CLERK: Commissioner

4 Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 MADAM CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Mayor Cocchiola?

13 MAYOR COCCHIOLA: Aye.

14 And, I have an ordinance to  
15 introduce, which I will introduce by  
16 reading its title:

17 AN ORDINANCE TO AMEND THE CODE OF  
18 THE TOWNSHIP OF NUTLEY, CHAPTER 285,  
19 ENTITLED "DEVELOPMENT FEES", SECTION 3,  
20 "RESIDENTIAL DEVELOPMENT FEES" TO ADD  
21 SECTION 3.C.5.

22 I move that the ordinance be passed  
23 for a second reading advertised in the  
24 Nutley Sun, in accordance with the notice  
25 required by law, and that we consider

1 this said ordinance for final passage at  
2 our meeting of Tuesday, April 24th. No,  
3 that's wrong.

4 MADAM CLERK: May 18th, 2010.

5 MAYOR COCCHIOLA: May 18th. I move  
6 the ordinance.

7 UNIDENTIFIED COMMISSIONER: Second.

8 MADAM CLERK: Commissioner  
9 Scarpelli?

10 COMMISSIONER SCARPELLI: Aye.

11 MADAM CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MADAM CLERK: Mayor Cocchiola?

18 MAYOR COCCHIOLA: Aye.

19 Resolutions, Commissioner Scarpelli?

20 COMMISSIONER SCARPELLI: Be it

21 resolved by the Board of Commissioners of  
22 the Township of Nutley, County of Essex,  
23 State of New Jersey, that the Township  
24 Clerk is hereby authorized to advertise  
25 for sealed bids for the resurfacing of

1 Passaic Avenue, Section 4, Nutley, New  
2 Jersey 07110, to be received on behalf of  
3 the Board of Commissioners, in the  
4 Commission Chambers, Township of Nutley,  
5 1 Kennedy Drive, Nutley, New Jersey, on  
6 Wednesday, May 12th, 2010 at 3 p.m.  
7 prevailing time, at which time they will  
8 be opened and read. I move the  
9 resolution.

10 COMMISSIONER PETRACCO: Second.

11 MADAM CLERK: Commissioner  
12 Scarpelli?

13 COMMISSIONER SCARPELLI: Aye.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Mayor Cocchiola?

21 MAYOR COCCHIOLA: Aye.

22 COMMISSIONER SCARPELLI: Whereas, a  
23 discrepancy exists with respect to water  
24 consumption and billing for the premises  
25 at 36 Woodland Avenue, Nutley, New

1 Jersey, Block 7604, Lot 9. And, whereas,  
2 due to an exterior equipment malfunction  
3 at the premises, an accurate reading was  
4 not obtained prior to billing. And,  
5 whereas, the Township of Nutley and  
6 property owner for Block 7604, Lot 9,  
7 have investigated this matter and  
8 mutually resolved the water consumption  
9 and billing discrepancy. And, whereas,  
10 the outstanding interest balance, as of  
11 the day of this resolution is \$157.42.

12 Now, therefore, be it resolved by  
13 the Board of Commissioners of the  
14 Township of Nutley, County of Essex, as  
15 follows: the Township Treasurer is  
16 hereby authorized to remove interest in  
17 the amount of \$157.42 from the water  
18 account of 36 Woodland Avenue, Block  
19 7604, Lot 9. I move the resolution.

20 COMMISSIONER PETRACCO: Second.

21 MADAM CLERK: Commissioner  
22 Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 MADAM CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Mayor Cocchiola?

6 MAYOR COCCHIOLA: Aye.

7 COMMISSIONER SCARPELLI: That's all

8 I have, Mayor.

9 MAYOR COCCHIOLA: Thank you.

10 Commissioner Evans?

11 COMMISSIONER EVANS: Be it resolved  
12 by the Board of Commissioners of the  
13 Township of Nutley, in the County of  
14 Essex, State of New Jersey, that the  
15 Treasurer be and she is hereby authorized  
16 to refund overpayments of property taxes  
17 in the amount of \$5,271 -- Tax Court  
18 Judgment as detailed -- 8900, Lot 21 --  
19 at amount --

20 COMMISSIONER TUCCI: Second.

21 MADAM CLERK: Commissioner  
22 Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 MADAM CLERK: Commissioner Petracco?

25 (No audible response.)

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Mayor Cocchiola?

6 MAYOR COCCHIOLA: Aye.

7 COMMISSIONER EVANS: -- resolved by  
8 the Board of Commissioners of the Town --  
9 New Jersey, that the Treasurer be hereby  
10 authorized to refund overpayment of  
11 property taxes in the amount \$5,340.05 --  
12 said year: Block 5503, Lot 2, \$4,678 --  
13 Block 700, Lot 17, \$661 --

14 COMMISSIONER TUCCI: Second.

15 MADAM CLERK: Commissioner  
16 Scarpelli?

17 COMMISSIONER SCARPELLI: Aye.

18 MADAM CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Mayor Cocchiola?

25 MAYOR COCCHIOLA: Aye.

1           COMMISSIONER EVANS: I have a  
2           Capital Budget Amendment recognizing the  
3           -- grant of -- around 342,000 dollars for  
4           the Passaic Avenue, Section 4 -- the year  
5           2010 was introduced -- 6th of April, 2010  
6           -- capital budget section.

7           Now, therefore, be -- County of  
8           Essex, State of New Jersey -- approved  
9           capital budget -- Passaic Ave., Section  
10          4, estimated total -- grants in aid and  
11          other -- so moved.

12          COMMISSIONER TUCCI: Second.

13          MADAM CLERK: Commissioner  
14          Scarpelli?

15          COMMISSIONER SCARPELLI: Aye.

16          MADAM CLERK: Commissioner Petracco?  
17          (No audible response.)

18          MADAM CLERK: Commissioner Evans?

19          COMMISSIONER EVANS: Aye.

20          MADAM CLERK: Commissioner Tucci?

21          COMMISSIONER TUCCI: Aye.

22          MADAM CLERK: Mayor Cocchiola?

23          MAYOR COCCHIOLA: Aye. That's all  
24          you have, correct? Commissioner Tucci?

25          COMMISSIONER TUCCI: Whereas,

1 Request for Proposals for a Township  
2 Forester were opened on March 22nd, 2010.  
3 And, whereas, the lowest responsible  
4 proposal was significantly higher than  
5 the cost budgeted by the municipality.  
6 And, whereas, N.J.S.A. 40A:11-13.2  
7 permits the rejection of all proposals  
8 under such circumstances.

9 Now, therefore, be it resolved, by  
10 the Board of Commissioners of the  
11 Township of Nutley that all proposals  
12 advertised, received and opened are  
13 hereby rejected. I move the resolution.

14 COMMISSIONER PETRACCO: Second.

15 MADAM CLERK: Commissioner  
16 Scarpelli?

17 COMMISSIONER SCARPELLI: Aye.

18 MADAM CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Mayor Cocchiola?

25 MAYOR COCCHIOLA: Aye.

1           COMMISSIONER TUCCI: Whereas, local  
2 units of the State of New Jersey are  
3 authorized to enter into a joint contract  
4 to provide for the formation of a joint  
5 meeting for the joint procurement of  
6 natural gas, electricity and other forms  
7 of energy as permitted by the N.J.S.A.  
8 40A:65-14. And, whereas, the statutes  
9 regulating the creation and establishment  
10 of a Joint Meeting contain a mechanism  
11 for local units to aggregate their  
12 collective energy consumption in order to  
13 negotiate and contract for energy in a  
14 cost-effective, environmentally sensitive  
15 manner, furthering the public interest  
16 entrusted to such a meeting. And,  
17 whereas, the governing body of the  
18 Township of Nutley has determined that  
19 membership in the Joint Meeting is in the  
20 best interest of the Township of Nutley.

21           Now, therefore, be it resolved, that  
22 the governing body of the Township of  
23 Nutley does hereby resolve and agree to  
24 become a member of the New Jersey  
25 Sustainable Energy Joint Meeting for the

1 purpose of joining, with other local  
2 units in the state, to aggregate  
3 purchasing power of energy, so, as to  
4 achieve financial savings and to  
5 encourage local units to cooperate in  
6 seeking ways to jointly implement  
7 sustainable energy alternatives.

8 Be it further resolved, that  
9 Commissioner Mauro Tucci is authorized to  
10 execute the Joint Contract Joinder  
11 Agreement, attached hereto, and that  
12 Commissioner Tucci is hereby designated  
13 to represent the local unit as a member  
14 of the State Management Committee of the  
15 NJSEM.

16 And, be it further resolved, that  
17 Commissioner Tucci is authorized and  
18 directed to execute such other documents  
19 signifying their membership in the NJSEM,  
20 and make payment of the Initial  
21 Membership Fee of 600 dollars as required  
22 by NJSEM's Bylaws and to deliver same to  
23 the Executive Director of the NJSEM.

24 Funds are available from Account Number  
25 529-237, and have been certified by the

1 Chief Financial Officer, said  
2 certification being attached to this  
3 resolution. I move the resolution.

4 COMMISSIONER EVANS: Second.

5 MADAM CLERK: Commissioner  
6 Scarpelli?

7 COMMISSIONER SCARPELLI: Aye.

8 MADAM CLERK: Commissioner Petracco?

9 (No audible response.)

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 MADAM CLERK: Mayor Cocchiola?

15 MAYOR COCCHIOLA: Aye.

16 COMMISSIONER TUCCI: Be it resolved  
17 by the Board of Commissioners, of the  
18 Township of Nutley, in the County of  
19 Essex, that the Township Clerk is  
20 authorized for sealed bids for recreation  
21 uniforms and recreation equipment. Bids  
22 to be received on Wednesday, May 12th,  
23 2010, in the Commission Chambers,  
24 Township Hall, at 3 p.m., at which time  
25 they will be publicly opened and read. I

1 move the resolution.

2 COMMISSIONER EVANS: Second.

3 MADAM CLERK: Commissioner

4 Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 MADAM CLERK: Commissioner Petracco?

7 (No audible response.)

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Mayor Cocchiola?

13 MAYOR COCCHIOLA: Aye.

14 COMMISSIONER TUCCI: That's all I  
15 have, Mayor.

16 MAYOR COCCHIOLA: Thank you.

17 Whereas, the Nutley Zoning Board of  
18 Adjustment received 1,000 dollar escrow  
19 deposit from Patricia DeCepoli for  
20 property at 378 Franklin Avenue for  
21 engineering services. Whereas, Pennoni  
22 has reviewed the plans submitted for  
23 compliance with the New Jersey map filing  
24 laws. And, whereas, the Nutley Planning  
25 Board has reviewed and determined the

1 remaining escrow balance of 1,000 dollars  
2 is due to Patricia DeCepoli.

3 Therefore, be it resolved, by the  
4 Board of Commissioners of the Township of  
5 Nutley, that the above amount be refunded  
6 to Patricia DeCepoli. -- resolution.

7 COMMISSIONER TUCCI: Second.

8 MADAM CLERK: Commissioner  
9 Scarpelli?

10 COMMISSIONER SCARPELLI: Aye.

11 MADAM CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MADAM CLERK: Mayor Cocchiola?

18 MAYOR COCCHIOLA: Aye.

19 Whereas the American National Red  
20 Cross, located at 169 Chestnut Street,  
21 has submitted an application to the Code  
22 Enforcement Department for interior  
23 alterations. Whereas, the Township of  
24 Nutley has offered to waive any building  
25 and electrical municipal permit fees

1 involved with the alterations.

2 Therefore, be it resolved, by the  
3 Board of Commissioners of the Township of  
4 Nutley, that the building and electrical  
5 municipal permit fees related to the  
6 interior alterations at the American  
7 National Red Cross, located at 169  
8 Chestnut Street, be waived. Move the  
9 resolution.

10 COMMISSIONER TUCCI: Second.

11 MADAM CLERK: Commissioner  
12 Scarpelli?

13 COMMISSIONER SCARPELLI: Aye.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: I abstain; I'm  
18 a member of the --

19 MADAM CLERK: Okay, abstain.

20 Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Mayor Cocchiola?

23 MAYOR COCCHIOLA: Aye.

24 Whereas, vaccines are among the  
25 Twentieth Century's most successful and

1 cost-effective public health tool  
2 available for preventing disease and  
3 death. Whereas, National Immunization  
4 Levels are at or near record highs for  
5 most vaccines; most vaccine-preventable  
6 diseases have be reduced by ninety-nine  
7 percent or more, since the introduction  
8 of vaccines. And, whereas, immunizations  
9 are one of the most important ways  
10 parents can protect their children  
11 against serious diseases. Whereas,  
12 National Infant Immunization Week focuses  
13 local and national attention on the  
14 importance of timely immunization for  
15 infants and toddlers two years old and  
16 younger; serves as a call to parents,  
17 caregivers, and healthcare providers to  
18 participate in activities and recognition  
19 events to increase the awareness of  
20 immunizing their children before their  
21 second birthday. Whereas, the week of  
22 April 24th to May 1, 2010 has been  
23 declared National Infant Immunization  
24 Week, to help ensure that children have  
25 all their vaccinations by the age of two.

1           Therefore, be it resolved, the Board  
2           of Commissioners of the Township of  
3           Nutley proclaim the week of April 24th to  
4           May 1st, 2010, as Infant Immunization  
5           Awareness Week in the Township of Nutley,  
6           and encourage businesses, government  
7           agencies, national organizations,  
8           community-based organizations and service  
9           groups to spread the immunization message  
10          throughout the community. I move the  
11          resolution.

12           COMMISSIONER TUCCI:    Second.

13           MADAM CLERK:    Commissioner  
14          Scarpelli?

15           COMMISSIONER SCARPELLI:    Aye.

16           MADAM CLERK:    Commissioner Petracco?

17           COMMISSIONER PETRACCO:    Aye.

18           MADAM CLERK:    Commissioner Evans?

19           COMMISSIONER EVANS:    Aye.

20           MADAM CLERK:    Commissioner Tucci?

21           COMMISSIONER TUCCI:    Aye.

22           MADAM CLERK:    Mayor Cocchiola?

23           MAYOR COCCHIOLA:    Aye.

24           Whereas, raffle applications have  
25          been received from Nutley Lincoln School

1 PTO, license number 37-10, for an on-  
2 premise 50/50 cash raffle on June 4th,  
3 2010. Whereas, the application has been  
4 reviewed and approved by the Municipal  
5 Clerk and the Police Department.

6 Therefore, be it resolved by the  
7 Board of Commissioners of the Township of  
8 Nutley, County of Essex, that the  
9 aforementioned license is approved and  
10 the Municipal Clerk is authorized to  
11 issue the license. I move the  
12 resolution.

13 COMMISSIONER TUCCI: Second.

14 MADAM CLERK: Commissioner  
15 Scarpelli?

16 COMMISSIONER SCARPELLI: Aye.

17 MADAM CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 MADAM CLERK: Mayor Cocchiola?

24 MAYOR COCCHIOLA: Aye. That  
25 concludes the business portion of our

1 meeting this evening. Is there any  
2 member of the public that would like to  
3 address the Board?

4 UNIDENTIFIED COMMISSIONER: Do we  
5 close?

6 MAYOR COCCHIOLA: Now, we have to  
7 move into Executive Session. So, I  
8 entertain a motion to move into Executive  
9 Session.

10 UNIDENTIFIED COMMISSIONER: Moved.

11 COMMISSIONER TUCCI: Second.

12 MADAM CLERK: Whereas, the Board of  
13 Commissioners of the Township of Nutley  
14 in the County of Essex, desires to  
15 proceed to closed executive session.

16 Now, therefore, be it resolved by  
17 the Board of Commissioners of the  
18 Township of Nutley that the Commission  
19 shall now move into closed executive  
20 session to discuss: contract  
21 negotiations.

22 Be it further resolved, that the  
23 time when such discussions may be  
24 disclosed to the public shall be when and  
25 as such disclosure may be made without

1 adversely affecting the Township pending  
2 and/or anticipated legal, personnel,  
3 contractual matters and other matters  
4 within the exceptions provided for by  
5 statute. The resolution was introduced  
6 by Mayor Cocchiola, seconded by  
7 Commissioner Tucci, and I'll do a roll  
8 call.

9 Commissioner Scarpelli?

10 COMMISSIONER SCARPELLI: Aye.

11 MADAM CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 MADAM CLERK: Commissioner Evans?

14 (No audible response.)

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MADAM CLERK: Mayor Cocchiola?

18 MAYOR COCCHIOLA: Aye. We will  
19 resume public session at the end of  
20 executive session to close the meeting.

21 (End of audio)

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C E R T I F I C A T I O N

I, Karen Schiffmiller, hereby certify that the foregoing is a true and correct transcription, to the best of my ability, of the sound recorded proceedings submitted for transcription.

I further certify that I am not employed by nor related to any party to this action.

In witness whereof, I hereby sign this date:  
June 6, 2010.

*Karen Schiffmiller* <sup>AKA</sup>

Karen Schiffmiller

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C E R T I F I C A T I O N

I, Karen Schiffmiller, hereby certify that the foregoing is a true and correct transcription, to the best of my ability, of the sound recorded proceedings submitted for transcription.

I further certify that I am not employed by nor related to any party to this action.

In witness whereof, I hereby sign this date:  
June 6, 2010.

*Karen Schiffmiller* <sup>AKA</sup>

Karen Schiffmiller

Board of Commissioners Meeting April 22, 2010.

The Board of Commissioners entered Executive Session at 7:30 P.M. and exited at 9:00 P.M.

**ADJOURNMENT:**

Motion to adjourn by Commissioner Petracco, seconded by Commissioner Tucci.  
Meeting adjourned at 9:05 P.M.

ATTEST:

\_\_\_\_\_  
Evelyn Rosario, RMC, CMC  
Municipal Clerk

\_\_\_\_\_  
Commissioner Joseph P. Scarpelli

\_\_\_\_\_  
Commissioner Alphonse Petracco

\_\_\_\_\_  
Commissioner Thomas J. Evans

\_\_\_\_\_  
Commissioner Mauro G. Tucci

\_\_\_\_\_  
Mayor Joanne Cocchiola

**BOARD OF COMMISSIONERS  
TOWNSHIP OF NUTLEY, NEW JERSEY**

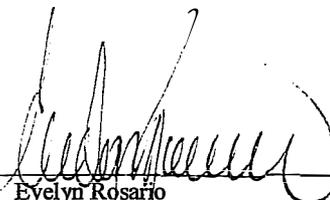
**Resolution**

*Introduced by:* Commissioner Thomas J. Evans *Date:* April 22, 2010

*Seconded by:* Commissioner Mauro G. Tucci *No.* 102-10

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayments of the property taxes in the amount of \$ 5,271.19 resulting from a Tax Court Judgment as detailed below.

Block & Lot	Address	Amount
8900      21	110 Bloomfield Ave.	\$5,271.19 / 2009

I,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held April 22, 2010.

Evelyn Rosario

<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

**BOARD OF COMMISSIONERS**  
**TOWNSHIP OF NUTLEY, NEW JERSEY**  
**RESOLUTION**

Introduced by Commissioner Thomas J. Evans Date April 22, 2010

Seconded by Commissioner Mauro G. Tucci No. 113-10

**CAPITAL BUDGET AMENDMENT**

WHEREAS, the local capital budget for the year 2010 was introduced on the 6th day of April, 2010; and

WHEREAS, it is desired to amend said approved capital budget section;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that the following amendments to the approved capital budget section be made:

**TO**

**CAPITAL BUDGET (CURRENT YEAR ACTION)**

**PLANNED FUNDING SERVICES FOR CURRENT YEAR-2010**

	<b>Estimated</b>	<b>Grants in Aid</b>	<b>Capital</b>
<b>Project</b>	<b>Total Cost</b>	<b>And Other Funds</b>	<b>Surplus</b>
Passaic Avenue Section 4	\$ 342,100.00	342,100.00	\$ 0.00

**6-YEAR CAPITAL PROGRAM 2010-2015**  
**Anticipated Project Schedule and Funding Requirements**

	<i>Estimated</i>	<i>Funding Amounts</i>
--	------------------	------------------------

	<i>Estimated</i>	<b>Completion</b>	<u>Per Year</u>
<b>Project</b>	<b>Total Cost</b>	<u>Time</u>	<b>Budget Year 2006</b>
Passaic Avenue Section 4	\$ 342,100.00	1 Year	\$ 342,100.00

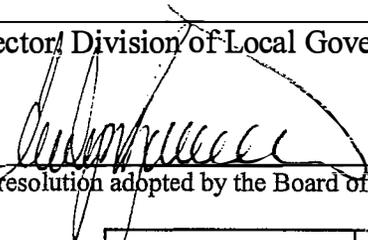
**YEAR CAPITAL PROGRAM 2010-2015  
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

	<b>Estimated</b>	<b>Grant in Aid</b>	<b>Capital</b>
<b>Project</b>	<b>Total Cost</b>	<b>And Other Funds</b>	<u>Surplus</u>
Passaic Avenue Section 4	\$ 342,100.00	342,100.00	\$ 0.00

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

APPROVED \_\_\_\_\_

\_\_\_\_\_  
Director/ Division of Local Government Serv.

I,  \_\_\_\_\_, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held April 22, 2010 \_\_\_\_\_.

<i>Record of Vote</i>	<i>Commissioner Scarpelli</i>	<i>Commissioner Petracco</i>	<i>Commissioner Evans</i>	<i>Commissioner Tucci</i>	<i>Mayor Cocchiola</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					